

**REMARKS**

In the Office Action<sup>1</sup>, the Examiner rejected claims 1-43 and 45-56 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,028,334 to Tuomenoksa ("*Tuomenoksa*").

Applicants have canceled claims 1-30, 36-53, and 56. Claims 31-35, 54, and 55 remain pending.

**I. Regarding the rejection of claims 31-35, 54, and 55 under 35 U.S.C. § 102(e) as anticipated by *Tuomenoksa***

Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 31-35, 54, and 55. In order to properly establish that *Tuomenoksa* anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 31 recites a network including, for example:

a first processor having a first address on a first network;  
a second processor having a second address on a second network;  
and  
a processor other than the first and second processors that detects a conflict between the first address and the second address prior to communication between the first processor and the second network and resolves the conflict based on address translation information retrieved using a virtual address of a tunnel established between the other

---

<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

processor and the first network, such that communication between the first processor and the second network is enabled.

(emphasis added). *Tuomenoksa* does not teach or suggest at least this claim element.

The Examiner states that *Tuomenoksa* discloses the claimed “processor other than the first and second processors,” and asserts “[t]he system of *Tuomenoksa* involved communication between two clients, i.e., ‘a first processor’ and ‘a second processor’, and detecting addressing conflicts between the two” (Office Action at page 9). Applicants respectfully disagree.

In *Tuomenoksa*, “an address conflict may be detected when the first gateway 1821 establishes a tunnel to the second gateway 1831” (col. 48, lines 47-48). “The first gateway 1821 and the second gateway 1831 may provide the range of addresses in the first intermediate address space and the second intermediate address space, respectively, to the network operations center” (col. 49, lines 12-15). “Consequently, each gateway may be responsible for determining if a local address conflict exists with another gateway; resolving the address conflict; and translating addresses of the packets . . .” (col. 49, lines 31-36).

In *Tuomenoksa*, a third gateway 1810 may be added to network 1800. Third gateway 1810 may establish a tunnel to first gateway 1821 and may establish a tunnel to second gateway 1831. When third gateway 1810 is used, third gateway 1810 resolves two types of address conflicts. First, third gateway 1810 resolves a conflict between the first gateway 1821 and the third gateway 1810. Second, third gateway 1810 resolves a conflict between the second gateway 1831 and the third gateway 1810 (col. 49, lines 46-61). In both examples, there may be a conflict between two gateways (i.e. the first and third gateways or the second and third gateways).

If this occurs, the two gateways where the conflict exists take the necessary steps to resolve the conflict. All conflict resolution in *Tuomenoksa* occurs when the IP addresses of two gateways conflict and those two gateways, independent from a third gateway, resolve the conflict.

While Applicants agree that a third gateway 1810 is disclosed in *Tuomenoksa*, the third gateway 1810 only resolves direct conflicts with one other gateway (i.e. either the first gateway 1821 or the second gateway 1831). Third gateway 1810 does not resolve an indirect conflict that may exist between first gateway 1821 and second gateway 1831. On the contrary, any conflict that may exist between first gateway 1821 and second gateway 1831 is resolved by first gateway 1821 and second gateway 1831, independent from third gateway 1810.

Third gateway 1810 thus only resolves direct conflicts with either first gateway 1821 or second gateway 1831. Third gateway 1810 does not detect or resolve conflicts between first gateway 1821 and second gateway 1831. Therefore, neither third gateway 1810 nor any other element of *Tuomenoksa* can constitute “a processor other than the first and second processors that detects a conflict between the first address and the second address prior to communication between the first processor and the second network and resolves the conflict based on address translation information retrieved using a virtual address of a tunnel established between the other processor and the first network, such that communication between the first processor and the second network is enabled,” as recited in claim 31.

*Tuomenoksa* fails to teach the claimed subject matter, including at least these elements. Accordingly, *Tuomenoksa* cannot anticipate claim 31. Thus, claim 31 is

allowable for at least these reasons. Claims 32-35, 54, and 55 are also allowable at least due to their depending from claim 31.

## II. Conclusion

In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 16, 2007

By: Anthony Zullo - Reg. No. 53,232  
for Robert E. Converse, Jr.  
Reg. No. 27,432